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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/994,011

Applicant(s)

BI ET AL.

Examiner

Sumaiya A. Chowdhury

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broussard (6269483) in view of Shintani (5,646,608).

As for claim 1, Broussard discloses a system for controlling playback of digital content, the system comprising:

a computing platform (10 – Fig. 1, col. 5, lines 40-42) including playback hardware (D/A converter 36 – Fig. 4) for storing (col. 5, lines 60-61) said digital content for playback by a playback device (20 – Fig. 1 or 46 – Fig. 4) – col. 3, lines 21-24, lines 66-67, col. 5, lines 1-7;

a digital content player application (application program instructions, video conferencing software), resident on said computing platform, for playback of said digital content – col. 4, lines 16-20, col. 5, lines 14-30, lines 43-51;

a communication device (keyboard 42 – Fig. 1) for communicating with said computing platform over a predetermined communication link and controlling said digital content playback application (Through use of the keyboard the user controls the video conferencing software application - col. 5, lines 14- 30).

However, Broussard fails to disclose:

a remote control device for communicating with said computing platform over a predetermined communication link and said remote control device including a display for displaying a list of said digital content.

In an analogous art, Shintani discloses a remote control device (51 – Fig. 11) for communicating with a computing platform (television receiver, VTR, CD player, etc. – Fig. 1; col. 3, lines 37-47) and the remote control including a display (52 – Fig. 11, col. 3, line 63 – col. 4, line 3) for displaying a list (col. 6, lines 44-55) of said digital content, for the advantage of using a portable device which allows direct communication between the user and the computing platform.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Broussard's system to include a remote control device which communicates with a computer and includes a display screen which displays a list of digital content, as taught by Shintani, for the advantage of using a portable device which allows direct communication between the user and the computing platform.

As for claim 2, Broussard and Shintani disclose wherein the system includes a transmitter for transmitting audio signals from said computing platform to a remote analog playback device. In particular, Broussard discloses wherein the transceiver (transmitter, 38 – Fig. 4) transmits from one terminal (computing platform) to a speaker belonging to another terminal – col. 4, lines 45-50, col. 5, lines 35-50.

As for claims 3 & 4, Broussard and Shintani disclose wherein said digital content is digital audio data and digital video data. In particular, Broussard discloses wherein an audio stream and video stream is sent to a terminal for playback – col. 3, lines 29-31, lines 66-67, col. 4, lines 1-3, lines 22-26, lines 45-47.

As for claims 5 & 9, Broussard and Shintani disclose wherein said computing platform includes a local storage device which includes a persistent storage device and is used for locally storing digital content. In particular, Broussard discloses the memory includes either/or RAM, ROM, hard disk drives, tape drives, and floppy drives (persistent storage devices). The converted digital audio and video streams are stored in a buffer in the memory (32 – Fig. 4; local storage device). – col. 5, lines 55-62, col. 4, lines 15-21.

As for claims 6 & 7, Broussard and disclose wherein said computing platform is configured to receive said digital content over a network. In particular, Broussard discloses wherein the terminal receives the digital content (audio and video streams) over network (22 – Fig. 3 & 4) which is the Internet – col. 24, lines 24-40.

As for claim 8, Broussard and Shintani disclose wherein said remote control device includes user inputs as well as user outputs. In particular, Shintani discloses wherein the user interacts with the computing platform by inputting commands into the remote control which are outputted by the remote control and transmitted to the computer – col. 4, lines 16-20, col. 6, lines 50-55.

As for claim 10, Broussard and Shintani disclose wherein said local storage device includes a removable storage device. In particular, Broussard discloses the memory includes tape drives and floppy drives which are removable storage devices – col. 4, lines 15-20.

As for claims 11-13, Broussard and Shintani disclose wherein said predetermined communication link is an RF and infrared wireless link. In particular, Shintani discloses wherein the remote control communicates with the computer over an RF (col. 4, lines 59-63) or infrared (col. 4, lines 44-50) wireless link.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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